

By Senator Baxley

12-00737-18

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 373.089, F.S.; providing an exemption for valuations,
4 certain records, and sales offers for sales related to
5 surplus lands; authorizing disclosure of such records
6 under certain circumstances; providing a statement of
7 public necessity; providing a contingent effective
8 date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (1) of section 373.089, Florida
13 Statutes, is amended to read:

14 373.089 Sale or exchange of lands, or interests or rights
15 in lands.—The governing board of the district may sell lands, or
16 interests or rights in lands, to which the district has acquired
17 title or to which it may hereafter acquire title in the
18 following manner:

19 (1) Any lands, or interests or rights in lands, determined
20 by the governing board to be surplus may be sold by the
21 district, at any time, for the highest price obtainable;
22 however, ~~in no case shall~~ the selling price may not be less than
23 the appraised value of the lands, or interests or rights in
24 lands, as determined by a certified appraisal obtained within
25 360 days before the effective date of a contract for sale.

26 (a) A written valuation of land determined to be surplus
27 pursuant to this section; related documents used to form, or
28 which pertain to, the valuation; and written offers to purchase
29 such surplus land are confidential and exempt from s. 119.07(1)

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30 and s. 24(a), Art. I of the State Constitution. This exemption
31 expires upon:

32 1. The contract or agreement regarding the purchase,
33 exchange, or disposal of the surplus land being approved by the
34 district;

35 2. In the sole discretion of the district, the conclusion
36 of negotiations or marketing efforts related to the surplus
37 land; or

38 3. The passage of 1 year from the date of the completion of
39 the valuation.

40 (b) Before expiration of the exemption established in
41 paragraph (a), and in order to facilitate successful or
42 expedited closure of the sale of surplus land, the district may
43 disclose confidential and exempt appraisals, valuations, and
44 valuation information which are related to surplus land, or
45 written offers to purchase such surplus land:

46 1. During negotiations for the sale or exchange of the
47 land; or

48 2. During the marketing effort or bidding process
49 associated with the sale, disposal, or exchange of the land.

50
51 If the Board of Trustees of the Internal Improvement Trust Fund
52 declines to accept title to the lands offered under this
53 section, the land may be disposed of by the district under the
54 provisions of this section.

55 Section 2. The Legislature finds that it is a public
56 necessity that written valuation of land determined to be
57 surplus pursuant to s. 373.089, Florida Statutes, related
58 documents used to form the valuation or which pertain to the

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59 valuation, and written offers to purchase surplus land, be made
60 confidential and exempt from s. 119.07(1), Florida Statutes, and
61 s. 24(a), Article I of the State Constitution for up to 1 year
62 at a water management district's discretion in order to
63 facilitate successful or expedited closure of the sale of
64 surplus lands. The public availability of such valuations,
65 related documents, and written offers can negatively impact the
66 ability of water management districts to negotiate with
67 potential purchasers and potentially places water management
68 districts at a disadvantage in attempting to maximize the return
69 on the sale of surplus land.

70 Section 3. This act shall take effect on the same date that
71 SB ___ or similar legislation takes effect, if such legislation
72 is adopted in the same legislative session or an extension
73 thereof and becomes a law.